

UNAPPROVED MINUTES
PLANNING COMMISSION

October 12, 2011

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, at 7:00 p.m., on October 12, 2011, there being present the following members of said Commission, to wit: Vicki G. Daulton, Jimmy W. Robertson, Bruce N. Thomasson, and Samuel R. Carter, III (Terrance D. Murphy – absent); with Vicki G. Daulton, Vice Chair, presiding; together with James E. Taliaferro, II, Assistant City Manager and Executive Secretary, ex officio member of said Commission; Melinda J. Payne, Director of Planning and Development; Charles E. Van Allman, Jr., City Engineer; Benjamin W. Tripp, Planner; Judy L. Hough, Planner; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, SECONDED BY COMMISSION MEMBER CARTER, AND DULY CARRIED, the minutes of the regular meeting and work session held on September 14, 2011, were approved as written – the roll call vote: all present - aye.

In re: Request of Ice House Properties, LLC, property owner, for the issuance of a Special Exception Permit to allow a competitive cheerleading training facility on the property located at 629 South Broad Street (Tax Map #160-10-7.3)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Ice House Properties, LLC, property owner, for the issuance of a Special Exception Permit to allow a competitive cheerleading training facility on the property located at 629 South Broad Street (Tax Map #160-10-7.3); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the September 28, and October 5, 2011, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed September 30, 2011; and

WHEREAS, staff noted the following: the subject property consists of one parcel located on South Broad Street, just north of Broome Street and across the street from G. W. Carver Elementary School; it is approximately .18 acre and is currently occupied by one unit of a multi-tenant warehouse facility; approximately four years ago, the property owners came

before the Planning Commission and City Council for a similar request on the property located adjacent to this property on Chapman Street; the request was approved, and Epperly Elite Gymnastics operated its business there for approximately 2½ years; recently the property owners were approached by a competitive cheerleading training facility to lease this 4,750 square-foot portion of the multi-unit building; the owners feel this use conforms to the environmental goals of LM zoning district for clean, low impact use; they believe the educational and recreational nature of this facility would integrate perfectly in this area; and the proposed use requires the approval of a Special Exception Permit; and

WHEREAS, Stuart Meredith of 2695 Turnberry Road, Salem, managing member of Ice House Properties, LLC, appeared before the Commission in support of the Special Exception Permit request; he noted that he and his partner have a space that has been vacant for quite some time, which is across the street from G. W. Carver Elementary School; he stated that the space is approximately 4,750 square feet of warehouse with a small office in the front; they were approached by a potential tenant who would like to use the space as a competitive cheerleading training facility; he further noted that one of the prospective tenants is available if the Commission would like to ask him more direct questions about the business; he stated previously the partnership had a similar use in an adjoining building on Chapman Street that the Commission had granted a Special Exception Permit; since this is a different space, they are required to request a Special Exception Permit for this location; and

WHEREAS, Commission Member Carter asked if the training is open to any age; Craig Hilsmier, managing member of Iconic All Stars, appeared before the Commission in support of the request; he noted that the training will be mostly 18 years old and under, but it can be up to 22 years of age; and

WHEREAS, Vice Chair Daulton asked if this is their first business here in the valley or are they moving from another location to Salem; Mr. Hilsmier noted that he moved here about a year ago; he introduced Bobby Lozano, who is one of the coaches; he noted that Mr. Lozano has been coaching all star cheerleading for six year; they also have another partner who has been involved in two other cheerleading gyms in Roanoke; she was just an investor in one but actually helped to start the second one; he further noted that the coaches are required to get

credentialing in terms of safety, etc., and the gym must be credentialed, etc.; all employees must go through a child safe program, which is a complete background check; and

WHEREAS, Commission Member Thomasson asked if the facility was ready for use; Mr. Hilsmier noted that the building is empty and pretty much ready for their use; they like this building because it is located across the street from an elementary school; further, most of the facilities that they could consider for their business are located in industrial parks; they like this space because there are other organizations and buildings around it; and

WHEREAS, Vice Chair Daulton asked if they had to have special flooring, and Mr. Hilsmier stated that they did have to a special flooring; he stated that they will have to install a spring floor, which is basically a gymnastics floor, and then there will be carpet on the top; and

WHEREAS, Commission Member Robertson asked when they were considering where to locate the facility, if they zoned into Salem thinking it might be a good spot; and Mr. Hilsmier replied that they absolutely zoned into Salem; Mr. Robertson noted that was a good idea because Salem is a sports community; and

WHEREAS, Mr. Hilsmier noted that their hours will work out really well with the school and parking across the street; the practices will be after school hours because the athletes are students; and

WHEREAS, Commission Member Robertson asked when they hoped to open the business; Mr. Hilsmier noted that they are shooting for January 1, 2012, to open, and then tryouts will be in April; in addition, they will have private lessons and tumbling lessons; further, they really like this area, the family environment, etc.; further, they like the location close to Interstate 81 because a lot of people drive long distances for the competitive gyms; and

WHEREAS, Commission Member Robertson asked how many employees will the business have at startup; Mr. Hilsmier noted that they will have two coaches, one will be Mr. Lozano, who is also an owner; there will be two other partners; he will be doing all the financials and business management duties; Mr. Lozano noted that they had considered other locations in Roanoke and the surrounding area; he noted that he knows competitive cheerleading very well, and he knows how competitive sports can be in Salem, so they figured Salem would be the best location for their business; and

WHEREAS, Vice Chair Daulton asked Mr. Lozano if he cheered at the college level; Mr. Lozano noted that he did not personally cheer at the college level, but he did coach tumbling at the college level; Mr. Hilsmier noted that the sport is growing especially for women's athletics; there is so much energy around the sport and a lot more college scholarships now; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COMMISSION MEMBER CARTER, SECONDED BY COMMISSION MEMBER ROBERTSON, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Ice House Properties, LLC, property owner, for the issuance of a Special Exception Permit to allow a competitive cheerleading training facility on the property located at 629 South Broad Street (Tax Map #160-10-7.3) be approved -- the roll call vote: all present - aye.

In re: Request of Joey W. Poarch II and Christine Lockhart Poarch, property owners, for rezoning the property located at 103 & 105 Keesling Avenue (Tax Map #174-1-5.1) from RSF/RMF Residential Single Family District and Residential Multi-Family District with conditions to RSF/RMF Residential Single Family District and Residential Multi-Family District; also, consider the request for a Use Not Provided For Permit to allow an office and residential use

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Joey W. Poarch II and Christine Lockhart Poarch, property owners, for rezoning the property located at 103 & 105 Keesling Avenue (Tax Map #174-1-5.1) from RSF/RMF Residential Single Family District and Residential Multi-Family District with conditions to RSF/RMF Residential Single Family District and Residential Multi-Family District; also, consider the request for a Use Not Provided For Permit to allow an office and residential use; and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the September 28, and October 5, 2011, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed September 30, 2011; and

WHEREAS, staff noted the following: the subject property is located on the north side of Keesling Avenue, a short distance from the intersection with West Main Street; the property

is approximately 1.77 acres and is occupied by a multi-unit house containing a single family residence and a single professional law office; the residence is occupied by the owner of the

property, who is also the owner of the law firm; this property exists as a grandfathered use since the zoning classifications have changed since it was originally allowed; as a grandfathered use, the law firm is not able to expand to accommodate its growth; therefore, this request is for a Use Not Provided For Permit to allow a single family residence with a single attached professional office; this configuration will allow the law office to expand; several proffers were made during the original rezoning of this property; these would be extinguished as part of this request; those proffers are: 1. The use of the property will be for one professional office; 2. All other R-4 uses will be excluded; and 3. The rezoning is confined only to the existing building and should the building be destroyed, the property will revert to R-1 zoning without any further action; there are several issues with these proffers; Number 2 effectively prohibited residential uses; and the third proffer may not be enforceable; and

WHEREAS, Barney Horrell of Brushy Mountain Engineering, representing the property owners, appeared before the Commission in support of the rezoning/Use Not Provided For Permit request; he noted that the property owners are also in attendance; he noted that he had several posters that he wanted to present to the Commission; he stated that the first poster is the exhibit that was mailed to the neighbors, which shows the Poarches' property with the surrounding lots; he further explained the exhibit to the Commission and staff members; he explained that the house is an old four square that was the original farmhouse for the area located here; it was owned by New Hope Presbyterian Church for a while and then the church split off the property with the house and sold it to the Poarches; at the time the Poarches purchased the house, they bought it with the intent of occupying it as their primary residence and also for an office for Mrs. Poarch's law practice; the use as a residence and business is not permitted with the new zoning ordinance; so, this is why they are here to request a Use Not Provided For Permit, which will allow them to continue the existing use; he further noted that this whole matter came about because the property owners were looking to expand the existing law practice; he noted the second part of the request is the changing of the zoning of the property; the property currently is RSF/RMF, which is a strange leftover zoning that came about when the church was looking to split off the house; he stated that when the church cut

off the house, some conditions were proffered because there was some concern from the neighbors regarding the future use of the house; not knowing who was going to own

the house, the neighbors were afraid the use could change drastically and affect their property values; he further noted they are requesting to remove all the proffers from the property; as part of their application, he explained that the Poarches wrote a letter and tried to hand deliver a copy to all the neighbors; they also held an open house and invited the neighbors to come over and discuss their plans; he further discussed a possible rezoning of the property in order to clear up the dual zoning; and

WHEREAS, Commission Member Robertson noted that traffic is always a concern when businesses are located in residential areas; he thinks that the location here is good and he does not think there will be that much traffic; he noted that if the petitioners are granted this request, how many employees would be working there after the expansion; Christine Lockhart Poarch noted they will not be adding any more employees at this time; they are in need of additional space because they are currently on top of each other; Mr. Robertson asked if Mrs. Poarch thought this would be the limit for a while; Mrs. Poarch noted they have two principal attorneys, and they are the ones who drive the business; they will never have more than two attorneys; she is the principal owner of the business, and she is at her capacity between three children and a busy law practice; and

WHEREAS, Mr. Horrell also presented an exhibit showing the footprint of the addition and an exhibit showing a rendering of how the addition would look with the existing structure; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, SECONDED BY COMMISSION MEMBER CARTER, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Joey W. Poarch II and Christine Lockhart Poarch, property owners, for rezoning the property located at 103 & 105 Keesling Avenue (Tax Map #174-1-5.1) from RSF/RMF Residential Single Family District and Residential Multi-Family District with conditions to RSF/RMF Residential Single Family District and Residential Multi-Family District; also, consider the request for a Use Not Provided For Permit to allow an office and residential use be approved -- the roll call vote: all present - aye.

In re: Consider the request for preliminary and final approval of a proposed subdivision plat filed by White Whale Two, LLC, property owner, for Parcel B located on Murrell Avenue (Tax Map #128-1-5) and Lot 8B-1-A1 located at 1886 Murrell Avenue (Tax Map #128-1-3).

The Executive Secretary reported the Commission had received a request for preliminary and final approval of a proposed subdivision plat filed by White Whale Two, LLC, property owner, for Parcel B located on Murrell Avenue (Tax Map #128-1-5) and Lot 8B-1-A1 located at 1886 Murrell Avenue (Tax Map 128-1-3); and

WHEREAS, staff noted the following: the subject property is located at the end of Murrell Avenue; it involves two properties totaling approximately 4.8 acres; the right of way is being dedicated to improve the safety of motorists traveling on the street, which dead ends; and it will provide an area for a turnaround; and

WHEREAS, Chuck VanAllman, City Engineer, appeared before the Commission explaining the request to subdivide this property; he noted that the City received the plat from White Whale Two, LLC, and the subdivision is considered a major subdivision, which under the City's Subdivision Ordinance requires the Commission to grant an approval; the subdivision is considered a major subdivision because the property owner is proposing to grant right of way to the City; and staff has reviewed the plans and the plat and find them in accordance with the City's regulations; and

WHEREAS, Commission Member Robertson asked if the Commission approves the subdivision as presented, is there anything else that has to take place in order for the City to take the property; Mr. VanAllman noted that they will have to submit a drawing that shows the proposed "T" in the pavement, cross section of the pavement, the depth of aggregate, the top course material, etc.; the City will then have to decide if a bond is necessary; they will have to build the road, and the City will have to approve it; once the City approves and releases the bond, it is then accepted by the City; later on in the physical year it is put up on the list to VDOT as a city-maintained part of the street system; and

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, SECONDED BY COMMISSION MEMBER THOMASSON, AND DULY CARRIED, the request for preliminary and

final approval of a proposed subdivision plat filed by White Whale Two, LLC, property owner, for Parcel B located on Murrell Avenue (Tax Map #128-1-5) and Lot 8B-1-A1 located at

1886 Murrell Avenue (Tax Map 128-1-3) is hereby approved; further, the Executive Secretary and City Engineer are hereby authorized to endorse such final approval on said final plat in accordance with The Code of the City of Salem, Virginia – the roll call vote: all present – aye.

There being no further business to come before the Commission, the same on motion adjourned at 7:22 p.m.

Executive Secretary

Vice Chair